

11/30/2005 Response and Election
USSN 10/601,601

Page 2 of 3

REMARKS

In the letter of November 8, 2005 applicants received notification that their petition to withdraw the holding of abandonment of April 4, 2005 had been granted. The current Office Action mailed November 9, 2005 states that the applicant's reply filed with that petition was not fully responsive to the prior Office Action mailed July 28, 2004 because applicants did not elect a species and list the claims corresponding to the elected species in the original August 4, 2004 response.

In the response of August 4, 2004 the applicants elected Group I (claims 1-21) and canceled non-elected claims 22-26, without prejudice. The election to Group I was made without traverse. The Office Action mailed July 28, 2004 additionally stated that the application contained claims directed to the following patentably distinct inventions; species 1, figures 1A and 1B; species 2, figure 2; species 3, figure 3; species 4, figure 4; species 5, figures 5A and 5B; and species 6, figure 6. The July 28, 2004 Office Action also stated that the applicants were required under 35 U.S.C 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally allowed. The Office Action also stated that claim 1 is generic, and that upon allowance of a generic claim, applicants will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all of the limitations of an allowed generic claim.

With this response, applicants hereby elect species 1, figures 1A and 1B, with traverse. Claims readable upon the elected species are claims 1-10 and 12-21.

Applicants assert that the restriction to a single disclosed species is not proper. The subject invention provides a polishing pad having a top surface comprising a first set of grooves and a bottom surface having a second set of grooves. The first and second sets of

Legal Department
CABOT MICROELECTRONICS CORPORATION
870 North Commons Drive
Aurora, IL 60504
(630) 375-5465

11/30/2005 Response and Election
USSN 10/601,601

Page 3 of 3

grooves are interconnected and are oriented such that they are not aligned. The figures, mentioned above, illustrate different groove patterns for the first and second set of grooves of the subject invention. All groove patterns, with and without secondary channels, share a common stated relationship of primary and secondary sets of grooves that are interconnected and non-aligned.

The MPEP at §808.01(a) states:

“Where there is a relationship disclosed between species, such disclosed relation must be discussed and reasons advanced leading to the conclusion that the disclosed relation does not prevent restriction, in order to establish the propriety of restriction.”

Applicants assert that the Office Action has not provided such a discussion or reasoning, and therefore the restriction is not proper. Applicants respectfully request that the requirement for restriction to an elected species be withdrawn and that the previously elected Group 1 invention (claims 1-21) be examined.

Respectfully submitted,

By: Thomas Omholt
Thomas Omholt
Reg. No. 37,052

Legal Department
CABOT MICROELECTRONICS CORPORATION
870 North Commons Drive
Aurora, IL 60504
(630) 375-5465